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ARIZONA ATTORNEY GENERAL

October 4, 1984

The Honorable Tony Gabaldon
Arizona State Senator
State Capitol - Senate Wing
1700 West Washington
Phoenix, AZ 85007

Re: I84-140 (R84-121)

Dear Senator Gabaldon:

In your letter of July 3, 1984, you observe that Ch. 59, 1984 Ariz.Sess.Laws.(2nd Reg. Sess.) (Ch. 59) amended Titles 15 and 16 of the Arizona Revised Statutes to require school board and community college board candidates to report campaign contributions and expenses. Specifically, Ch. 59 amends A.R.S. § 15-424 which pertains to candidates for school district governing board members and A.R.S. § 15-1442 which pertains to candidates for community college district governing board member. Each statute as amended requires these candidates to "file a statement of contributions and expenditures as provided in section 16-913." You have asked whether this legislation or any other law requires the political action committee of a labor organization that gives money solely to nonpartisan school board candidates to file a financial statement with the county school superintendent.

The particular amendments enacted by Ch. 59 refer only to reporting requirements imposed upon the candidates for the offices at issue; these statutes as amended do not impose any reporting requirements on political action committees themselves. However, other provisions of Arizona law do require that all contributions by campaign committees be reported, including contributions to nonpartisan school board candidates.

A "campaign committee" is defined in A.R.S. § 16-901 to include:

. . . the state central committee, or state committees, of all political parties, and all county, city, town or precinct committees of all political parties or of candidates and any association or combination of persons organized, conducted or combined for the purpose of influencing the result of any election in the state or in any county, city, town or precinct in the state.

(Emphasis added). Under this definition a labor organization political action committee that gives money to candidates for local school board or community college district governing board member would qualify as a campaign committee.

A campaign committee is required by A.R.S. § 16-902, among other things, to have a treasurer.^{1/} The treasurer of a campaign committee is required to file reports of the committee's collections and expenditures on behalf of or against any candidate. A.R.S. § 16-909.A provides:

Each campaign committee which engages in political activity in behalf of or against a candidate, including a judge who seeks to be retained in office in the next general election, and collects or expends any money or valuable thing in connection therewith shall file, not more than fifteen nor less than ten days prior to the primary election, with the officer with whom the nomination petitions of the candidates are filed a full and complete report of all money or things which have a monetary value of more than twenty-five dollars, which

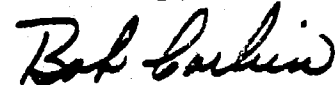
1. Indeed, a campaign committee is prohibited from collecting or expending any money until a chairman and treasurer have been chosen and an initial registration has been filed. A.R.S. § 16-902.B as amended by Ch. 296, 1984 Ariz.Sess.Laws (2nd Reg. Sess.).

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came into such committee's possession, or which was expended except for personal or travel expenses not paid for from campaign funds, together with the names and addresses of such contributors.

A school district candidate must file his nominating petition with the county school superintendent. A.R.S. § 15-422.A. A community college board candidate must file his nominating petition with the clerk of the board of supervisors of the county in which his election precinct is located. A.R.S. §§ 15-1442.A and 16-311.D. Accordingly, the treasurer of a campaign committee which has given money to a nonpartisan school board candidate must file the reports with the county school superintendent. The treasurer of a campaign committee which has given money to a community college board candidate must file the reports with the clerk of the board of supervisors of the county in which the candidate's precinct is located. The reports are required by A.R.S. § 16-909 to be filed by the treasurer of a campaign committee without regard to whether the election is partisan or nonpartisan.

Sincerely,



BOB CORBIN
Attorney General

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